

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No: 3:17-CV-00652

SNYDER’S-LANCE, INC. and PRINCETON
VANGUARD, LLC,

Plaintiffs,

v.

FRITO-LAY NORTH AMERICA, INC.,

Defendant.

DEFENDANT’S MOTION FOR STAY OF
BRIEFING SCHEDULE REGARDING
MOTIONS FOR SUMMARY JUDGMENT

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7.1 of the Local Civil Rules, Defendant Frito-Lay North America, Inc. (“Defendant”) moves this Court for a stay of all briefing deadlines in connection with the motion for summary judgment filed by Defendant and the motion for summary judgment filed by Plaintiffs Snyder’s-Lance, Inc. and Princeton Vanguard, LLC (“Plaintiffs”) (Plaintiffs and Defendants are collectively referred to as the Parties). In support of this motion, the Defendant shows the Court as follows:

1. Defendant filed its Motion for Summary Judgment on August 30, 2018. (Dkt. 28).
2. Plaintiffs filed their response to Defendant’s Motion for Summary Judgment on October 29, 2018. (Dkt. 33). Along with their response, Plaintiffs filed a Cross-Motion for Summary Judgment. (Dkt. 34).
3. Defendant moved on November 9, 2018 for an extension of time until February 1, 2019 to file a reply in support of its Motion for Summary Judgment and respond to Plaintiffs’ Cross-Motion for Summary Judgment. (Dkt. 47).
4. This motion was granted on November 13, 2018 (Dkt. 48).
5. Following receipt of the Cross-Motion for Summary Judgment, Defendant

conducted discovery, including document requests.

6. On January 28, 2019, the Parties filed a “Joint Motion for Extension of Deadlines Regarding Motions for Summary Judgment” (the “Joint Motion”) (Dkt. 51) and that motion was granted by the Court on January 28, 2019 (Dkt. 52).

7. Defendant’s current deadline to reply in support of its Motion for Summary Judgment and respond to Plaintiffs’ Cross-Motion for Summary Judgment is March 1, 2019.

8. Plaintiffs’ current deadline to file their Reply to Defendant’s response to Plaintiffs’ Motion for Summary Judgment is April 1, 2019.

9. Since the filing of the Parties’ Joint Motion, Defendant has filed a Motion to Compel Production of Documents (the “Motion to Compel”) in connection with its document requests of Plaintiffs.

10. Because the Parties have a dispute as to whether certain documents should be produced by Plaintiffs to Defendant, which dispute is the subject of the pending Motion to Compel, and if the Motion to Compel is granted, there will be an additional production of documents, Defendant requests a stay of all briefing deadlines in connection with the motion for summary judgment filed by Defendant and the motion for summary judgment filed by Plaintiffs and that a new briefing schedule be set upon a ruling on the Motion to Compel. Defendant requests the stay not in an effort to delay the determination of the pending motions, but to assure that all discovery issues have been resolved prior to that determination.

11. Pursuant to Local Rule 7.1(b), the Parties have conferred and Plaintiffs do not consent to the requested extension.

WHEREFORE, the Parties respectfully request that the Court stay all briefing deadlines in connection with the Parties’ respective Motions for Summary Judgment pending a final ruling by

this Court on Defendant's Motion to Compel.

This the 19th day of February, 2019.

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